

EX PARTE OR LATE FILED



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April 18, 1995

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

RECEIVED

APR 1 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

RE: Ex Parte Presentation  
CC Docket 94-129  
Policies and Rules Concerning Unauthorized Changes of Consumers' Long  
Distance Carriers

Dear Mr. Caton:

On Tuesday, April 18, 1995, Robert Castellano, James Spurlock and I met with Mary Beth Richards to discuss AT&T's position in the above-mentioned docket. The attachments were used as the basis for our discussion.

In accordance with Section 1.1206(a)(1) of the Commission's rules, two (2) copies of this Notice are being submitted to the Secretary of the FCC on the date of the meeting.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darlene P. Richeson".

Darlene P. Richeson  
District Manager

Attachment

cc: Mary Beth Richards

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List A B C D E

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4/18/95

**CC DOCKET NO. 94-129: AT&T ISSUE REVIEW WITH FCC**

• **LOA/INDUCEMENTS**

- Combined LOA/Inducements are not necessarily the issue.
- Willful intent to **mislead** consumers is the issue.
- Separating inducement from LOA will provide willful violators with a new avenue to cheat consumers.
  - **Consumers may never receive inducement.**
  - **Willful violator saves money.**
  - **FCC complaints could increase.**
- Inducement/LOAs can be very clear and not misleading.
- AT&T's primary inducement vehicle is checks. Received very few complaints. Not aware of any formal complaints received by FCC.
- Florida PSC proposed final antislamming rule does not prohibit combined LOA/inducement. Allows such instruments as long as "document as a whole is not misleading or deceptive". Rule further defines terms "misleading or deceptive".
- Last year combined LOA/Inducements accounted for approximately 10% of all residential PIC changes.

• **NON-ENGLISH SPEAKING CUSTOMERS**

- AT&T International Outpic Study demonstrates that 50% of respondents switched for incentives.
- AT&T International Outpic Study revealed that 35% of slammed customers stated that OTM was the method.
- Percentages of slammed Non-English speaking customers are more than double that of English speaking customers.
- These are high value customers.

- AT&T fully supports the FCC's proposed rules and currently leads the industry in how we market to this customer base.

- **ENFORCEMENT**

- Many respondents to NPRM commented on need for enforcement.
- Options include LEC reporting, targeted actions, and NAAG.

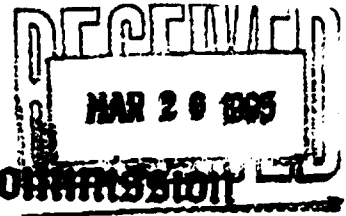
- **IXC IDENTIFICATION**

- IXC setting rate to end user should determine how IXC is to be identified.
- No IXC should identify another carrier.

State of Florida



**Public Service Commission**



**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** March 17, 1995

**TO:** All Parties

**FROM:** David E. Smith, Hearing Officer

DES

**RE:** Hearing Officer's Proposed Final Version of Rule 25-4.118, F.A.C., Docket No. 941190-TL

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Based on the various comments filed pre- and post-hearing and testimony at hearing, I have drafted the attached proposed final version of the PIC change rule. Please respond with your comments by March 24. Faxing followed by hard copy is acceptable, if time is a problem. Electronic fax is at 904-487-1716; printer fax in Legal Division is at 904-488-3121.

DES  
Attachments

fin4118.mrd

1 ~~Every letter of agency, ballot or written~~ document by means of  
2 which a customer can request a PIC change ~~shall be used solely for~~  
3 ~~that purpose. Every such letter of agency, ballot or document~~  
4 shall clearly identify the telecommunications company to which the  
5 service is being changed. The page of the document ~~letter or~~  
6 ~~ballot~~ containing the customer's signature shall contain a  
7 statement that the customer's signature or endorsement on the  
8 document will result in a change of the customer's long distance  
9 service provider and explain the consequences of that change for  
10 the customer. ~~the following statement above the customer's~~  
11 ~~signature in bold face type at least twice the size of any other~~  
12 ~~text on the page. "I understand that my signature on this form~~  
13 ~~will result in my interLATA long distance telecommunications~~  
14 ~~service being provided by [insert here the name of FPSC~~  
15 ~~certificated interexchange company]."~~ Such statement shall be  
16 clearly legible and printed in type at least as large as any other  
17 text on the page. If any such document is not used solely for the  
18 purpose of requesting a PIC change, then the document as a whole  
19 must not be misleading or deceptive. For purposes of this rule,  
20 the terms "misleading or deceptive" mean that, because of the  
21 style, format or content of the document, it would not be readily  
22 apparent to the person signing the document that the purpose of the  
23 signature was to authorize a PIC change, or it would be unclear  
24 what the consequences of authorizing the PIC change were. If any  
25 part of the document is written in a language other than English.

CODING: Words underlined are additions; words in  
~~struck through~~ type are deletions from existing law.

1 then the document must contain all relevant information in the same  
 2 language.

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CODING: Words underlined are additions; words in  
~~struck through~~ type are deletions from existing law.

1 Every written document by means of which a customer can request a  
2 PIC change shall clearly identify the telecommunications company to  
3 which the service is being changed. The page of the document  
4 containing the customer's signature shall contain a statement that  
5 the customer's signature or endorsement on the document will result  
6 in a change of the customer's long distance service provider and  
7 explain the consequences of that change for the customer. Such  
8 statement shall be clearly legible and printed in type at least as  
9 large as any other text on the page. If any such document is not  
10 used solely for the purpose of requesting a PIC change, then the  
11 document as a whole must not be misleading or deceptive. For  
12 purposes of this rule, the terms "misleading or deceptive" mean  
13 that, because of the style, format or content of the document, it  
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16 it would be unclear what the consequences of authorizing the PIC  
17 change were. If any part of the document is written in a language  
18 other than English, then the document must contain all relevant  
19 information in the same language.

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~~struck-through~~ type are deletions from existing law.